

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
NORTHERN DIVISION**

IN RE THE APPLICATION OF)
OSMIN MANUEL GUARDADO)
ORELLANA,)
)
Plaintiff/Petitioner,)
)
v.)
)
FIAMA MAGDALENA VELASQUEZ)
CARTAGENA,)
)
Defendant/Respondent.)
_____)

Civil Action File No. 3:16-CV-00444

STIPULATION OF FACTS

Plaintiff Osmín Manuel Guardado Orellana (“Plaintiff”) and Defendant Fíama Magdalena Velásquez Cartagena (“Defendant”) stipulate to the following, for the purposes of the above-captioned lawsuit only:

1. Plaintiff is the father of Nathaly Abigail Guardado Velásquez (the “Child”). Defendant Fíama Velásquez is the Child’s mother. The parties have never been married.
2. The Child was born in Honduras on November 14, 2013; the Child is under the age of 16.
3. The Child resided solely in Honduras prior to her removal on or about September 11, 2015.
4. Defendant did not discuss the Child’s removal from Honduras with Plaintiff before the Child was removed.
5. Defendant did not receive a custody order from any Honduras court granting Defendant full custody of the Child.

6. This lawsuit was filed within one year of the Child's removal from Honduras.
7. The Child received medical attention in Honduras.
8. Since moving to the United States, the Child has resided with her mother, the Respondent, and Carlos Garay ("Mr. Garay").
9. Mr. Garay and Defendant are in a relationship and have two children together.
10. Defendant and the Child are citizens of Honduras seeking asylum in the United States. They were detained after crossing the border but allowed to enter the United States.
11. The parties agree on the applicability of the Convention on the Civil Aspects of International Child Abduction as set out in Exhibit A to the Complaint. Doc. 1. The parties further agree that Exhibit L to the Complaint accurately sets out Honduran law.
12. The parties stipulate the authenticity and admissibility of the following documents, reserving the right to contest the contents and weight to be given the documents:
 - a. Exhibit B to Complaint: State Department Letter to Hush Blackwell
 - b. Exhibit C to Complaint: Birth Certificate
 - c. Exhibit D to Complaint: Affidavit of plaintiff
 - d. Exhibit E to Complaint: Medical Records
 - e. Exhibit F to Complaint: Honduran Evangelical Mennonite Church statement
 - f. Exhibit G to Complaint: Photographs
 - g. Exhibit H to Complaint: Complaint by plaintiff
 - h. Exhibit I to Complaint: Letter to Interpol
 - i. Exhibit J to Complaint: Honduran Judicial Record
 - j. Exhibit K to Complaint: Honduran record
 - k. Honduran ID. Vel-0001

- l. Photograph. Vel-0003
- m. Immunization record. Vel- 0005
- n. Credible Fear notes. Vel-0023-32.
- o. CCA photographs. Vel-0067-69
- p. WIC records

Dated: August 29, 2017.

HUSCH BLACKWELL, L.L.P.

By: /s/ Jennifer Ziegenhorn

Jennifer Ziegenhorn, BPR No. 016351
Ryan A. Burgett, BPR No. 33641 (*pro hac*
vice)
Jennifer.Ziegenhorn@huschblackwell.com
Ryan.Burgett@huschblackwell.com

736 Georgia Avenue, Suite 300
Chattanooga, Tennessee 37402
(423) 266-5500
(423) 266-5499 *facsimile*

ATTORNEYS FOR PETITIONER

-AND-

RITCHIE, DILLARD, DAVIES & JOHNSON, P.C.

By: /s/ Wade Davies (with permission)
WADE V. DAVIES, [BPR #016052]
606 W. Main Street, Suite 300
Knoxville, Tennessee 37902
(865) 637-0661
wdavies@rddjlaw.com

COUNSEL FOR RESPONDENT